

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

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|----------------------|---|----------------------------|
| TRANSPAY, INC., |) | CIVIL NO. 05-00590 SPK-LEK |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| TMNPS, INC., ET AL., |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

FINDINGS AND RECOMMENDATION REGARDING GARNISHMENT

On April 16, 2008, Plaintiff Transpay, Inc., doing business as Transpay Processing ("Plaintiff") filed its *Ex Parte* Motion for Issuance of Garnishee Summons After Judgment. This Court granted the motion and entered the Order Granting *Ex Parte* Motion for Garnishee Summons After Judgment and the Garnishee Summons and Order, which provided a return date of June 4, 2008.

On April 24, 2004, Garnishee American Savings Bank filed its Answer and Disclosure. The disclosure indicated that American Savings Bank had no accounts, goods or effects, monies, or wages belonging to, and was not indebted to, Defendants (i) T M N P S CORPORATION, also known as TMPNS Corporation, TMNPS, Inc., and TNMPS, doing business as Saigon Passion III, Saigon Passion Restaurant and Lounge, Saigon Passion Restaurant, and Saigon Passion Club 3, and (ii) Johnny Lee, formerly known as

Ngoc Minh Luong (collectively "Defendants").

On May 2, 2008, Garnishee Bank of Hawaii filed its Answer and Disclosure. The disclosure indicated that there were funds on deposit with Bank of Hawaii as follows: (i) to the credit of TMNPS Corp., doing business as Saigon Restaurant & Lounge, the amount of \$1,989.71 (after application of a \$95.00 charge for legal process); (ii) to the credit of Johnny Lee, doing business as Saigon Restaurant & Lounge, the amount of \$549.89; and (iii) to the credit of Johnny Lee, the amount of \$16.08.

On May 5, 2008, Garnishee First Hawaiian Bank filed its Disclosure. The disclosure indicated that First Hawaiian Bank held on deposit \$16.00 under the name of Johnny Lee, but that said amount was off-set by a service charge for garnishment so that no funds remained.

All Garnishees having filed disclosures with the Court, by Entering Order, dated May 9, 2008, the Court has vacated the Return Date on the Garnishee Summons.

THEREFORE, IT IS HEREBY FOUND AND RECOMMENDED that the district judge order Garnishee Bank of Hawaii to immediately pay Plaintiff, by delivery to its attorneys, all monies it has in its possession belonging to Defendants. The amounts received by

Plaintiff or its attorneys from Bank of Hawaii shall be applied to the debt owed by Defendants to Plaintiff.

IT IS SO FOUND AND RECOMMENDED.

DATED AT HONOLULU, HAWAII, MAY 14, 2008.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States Magistrate Judge

**TRANSPAY, INC. v. TMNPS, INC., ET AL., CIVIL NO. 05-00590 SPK-
LEK; FINDINGS AND RECOMMENDATION REGARDING GARNISHMENT**